

CHAPTER NO. 433**HOUSE BILL NO. 1405****By Representatives Tindell, Armstrong****Substituted for: Senate Bill No. 1957****By Senator Burchett**

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 28 and Title 40, Chapter 35, Part 3, relative to the authority of certain probation officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-303, is amended by adding the following as a new subsection:

(o)

(1) A probation officer meeting the requirements of this subsection shall have the authority to serve warrants and make arrests solely relating to their duties as probation officers. A probation officer shall also have the authority to bring probationers before the court when directed by the court to do so. While acting in the performance of their duties as probation officers, they shall have the same authority as a peace officer while serving warrants and making arrests that relate solely to their duties as probation officers.

(2) The provisions of subdivision (1) shall only apply to a probation officer:

(A) In any county having a charter form of government with a population of less than five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census.

(B) Employed by a probation office operated by a governmental entity;

(C) Who has completed training equal to the training required by the standards of the peace officer's standards and training commission (POST); and

(D) Who successfully completes at least forty (40) hours of appropriate in-service training each year.

(3) Because a probation officer meets the standards and requirements of subdivision (2), does not mean such officer is eligible for the pay supplement for state certified officers authorized in § 38-8-111.

(4) The provisions of this subsection shall not apply to a state probation officer employed by the board of probation and parole and paid by the state of Tennessee.

SECTION 2. This act shall take effect on July 1, 2005, the public welfare requiring it.

PASSED: May 28, 2005



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 2005



PHIL BREDESEN, GOVERNOR